

\$ 265

PATENT
Customer No. 22,852
Attorney Docket No. 7552.0023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jacques Duchamp et al.) Group Art Unit: 1723
)
Serial No.: 10/771,536) Examiner: MENON, Krishnan S.
)
Filed: February 5, 2004) Confirmation No.: 4262
)
For: A SUPPORT ELEMENT FOR AN)
INTEGRATED MODULE FOR)
BLOOD TREATMENT, AN)
INTEGRATED MODULE FOR)
BLOOD TREATMENT, AND A)
MANUFACTURING PROCESS)
FOR AN INTEGRATED MODULE)
FOR BLOOD TREATMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("Assignee") Gambro Lundia AB, duly organized under the laws of Sweden and having its principal place of business at Magistratsvagen 16, 22643 Lund, Sweden, through its attorneys, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 10/771,536 (the '536 Application), filed on February 5, 2004, for A SUPPORT ELEMENT FOR AN INTEGRATED MODULE FOR BLOOD TREATMENT, AN INTEGRATED MODULE FOR BLOOD TREATMENT, AND A MANUFACTURING

09/08/2006 SDENB001 00000027 10771536

01 FC:1814

130.00 OP

PROCESS FOR AN INTEGRATED MODULE FOR BLOOD TREATMENT, as indicated by Assignments duly recorded in the USPTO at Reel 015544, Frame 0565 on July 8, 2004 and at Reel 015544, Frame 0573 on July 8, 2004, and is the only assignee of U.S. Application No. 10/771,415 for A SUPPORT ELEMENT, AN INTEGRATED MODULE FOR EXTRACORPOREAL BLOOD TREATMENT COMPRISING THE SUPPORT ELEMENT, AN APPARATUS FOR EXTRACORPOREAL BLOOD TREATMENT EQUIPPED WITH THE INTEGRATED MODULE, AND, AN ASSEMBLY PROCESS FOR AN INTEGRATED MODULE FOR EXTRACORPOREAL BLOOD TREATMENT, as indicated by the Assignment duly recorded in the USPTO at Reel 015544, Frame 0534 on July 8, 2004. Assignee is also the only assignee of U.S. Application No. 10/775,993 for SUPPORT ELEMENT FOR AN INTEGRATED BLOOD TREATMENT MODULE, INTEGRATED BLOOD TREATMENT MODULE AND EXTRACORPOREAL BLOOD TREATMENT APPARATUS EQUIPPED WITH SAID INTEGRATED MODULE, indicated by the Assignment duly recorded in the USPTO at Reel 015734, Frame 0311 on August 27, 2004.

To obviate a double patenting rejection, Applicant hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the '536 Application, which would extend beyond the earliest of the expiration dates of U.S. Application Nos. 10/771,415 and 10/775,993, should those applications issue as U.S. patents, and hereby agrees that any patent so granted on the '536 Application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to the patents that issue based on U.S. Application Nos. 10/771,415 and 10/775,993. This agreement runs with any patent granted on the '536 Application and is to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the '536 Application that would extend beyond the earliest of the expiration dates of the full statutory term, as defined in 35 U.S.C. §§ 154 -156 and 173, of the patents that may issue based on U.S. Application Nos. 10/771,415 and 10/775,993, as shortened by any terminal disclaimer, in the event that any of the patents that may issue based on U.S. Application Nos. 10/771,415 and 10/775,993 expires for failure to pay maintenance fees, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by an terminal disclaimer.


In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this Terminal Disclaimer. If there is any other fee due in connection with the filing of this Terminal Disclaimer, please charge the fee to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 7, 2006

By: 
Aaron L. Parker
Reg. No. 50,785